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Page

Dkt: 0575/61150/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

refer Applicant : Paul B. Fisher and Zao-Zhong Su  
filin U.S. Serial No. : 09/621,781  
A che Filed : July 21, 2000  
cover For : NUCLEIC ACIDS COMPRISING REGIONS OF THE  
Attor: RAT PEG-3 PROMOTER THAT DISPLAY  
ELEVATED EXPRESSION IN HUMAN CANCER  
CELLS AND USES THEREOF

No fe 1185 Avenue of the Americas  
conne New York, New York 10036  
any fe November 15, 2000  
amoun Assistant Commissioner for Patents  
Washington, D.C. 20231

**ATTN: Box Missing Parts**

Sir:

**COMMUNICATION IN RESPONSE TO  
OCTOBER 6, 2000 NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This Communication is submitted in response to the October 6, 2000 Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(b) issued in connection with the above-identified patent application. A copy of the October 6, 2000 Notice is attached hereto as **Exhibit A**. A response to the October 6, 2000 Notice is due on December 6, 2000. Accordingly, this Communication is being timely filed.

The October 6, 2000 Notice stated that the application does not comply with 37 C.F.R. 1.53(b) because the oath or declaration is unsigned and to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.116(e) of \$65.00 for small entity in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in the October 6, 2000 Notice.

Applicant hereby submits an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (attached as **Exhibit B** hereto). The Declaration

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Assista  
Washing

John P.  
Reg. No  
Jane M  
Reg. No

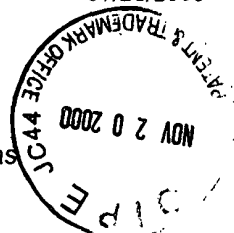


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/621,781	07/21/2000	Paul B. Fisher	61150/JPW/JML

John P White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036



## FORMALITIES LETTER



\*OC000000005458403\*

Date Mailed: 10/06/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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## APPL PARTS

IMIS \_\_\_\_\_  
Internal Misc. Paper

LET. \_\_\_\_\_  
Misc. Incoming Letter

371P \_\_\_\_\_  
PCT Papers in a 371 Application

A... \_\_\_\_\_  
Amendment Including Elections

ABST \_\_\_\_\_  
Abstract

ADS \_\_\_\_\_  
Application Data Sheet

AF/D \_\_\_\_\_  
Affidavit or Exhibit Received

APPENDIX \_\_\_\_\_  
Appendix

ARTIFACT \_\_\_\_\_  
Artifact

BIB \_\_\_\_\_  
Bib Data Sheet

CLM \_\_\_\_\_  
Claim

COMPUTER \_\_\_\_\_  
Computer Program Listing

CRFL \_\_\_\_\_  
All CRF Papers for Backfile

DIST \_\_\_\_\_  
Terminal Disclaimer Filed

DRW \_\_\_\_\_  
Drawings

FOR \_\_\_\_\_  
Foreign Reference

FRPR \_\_\_\_\_  
Foreign Priority Papers

~~IDS~~ 4  
IDS Including 1449

## Internal

SRNT \_\_\_\_\_  
Examiner Search Notes

CLMPTO \_\_\_\_\_  
PTO Prepared Complete Claim Set

NPL \_\_\_\_\_  
Non-Patent Literature

OATH \_\_\_\_\_  
Oath or Declaration

PET. \_\_\_\_\_  
Petition

RETMAIL \_\_\_\_\_  
Mail Returned by USPS

SEQLIST \_\_\_\_\_  
Sequence Listing

SPEC \_\_\_\_\_  
Specification

SPEC NO \_\_\_\_\_  
Specification Not in English

TRNA \_\_\_\_\_  
Transmittal New Application

## OUTGOING

CTMS \_\_\_\_\_  
Misc. Office Action

1449 \_\_\_\_\_  
Signed 1449

892 \_\_\_\_\_  
892

ABN \_\_\_\_\_  
Abandonment

APDEC \_\_\_\_\_  
Board of Appeals Decision

APEA \_\_\_\_\_  
Examiner Answer

CTAV \_\_\_\_\_  
Count Advisory Action

CTEQ \_\_\_\_\_  
Count Ex parte Quayle

CTFR \_\_\_\_\_  
Count Final Rejection

ECBOX \_\_\_\_\_  
Evidence Copy Box Identification

WCLM \_\_\_\_\_  
Claim Worksheet

WFEE \_\_\_\_\_  
Fee Worksheet

CTNF \_\_\_\_\_  
Count Non-Final

CTRS \_\_\_\_\_  
Count Restriction

EXIN \_\_\_\_\_  
Examiner Interview

M903 \_\_\_\_\_  
DO/EO Acceptance

M905 \_\_\_\_\_  
DO/EO Missing Requirement

NFDR \_\_\_\_\_  
Formal Drawing Required

NOA \_\_\_\_\_  
Notice of Allowance

PETDEC \_\_\_\_\_  
Petition Decision

## INCOMING

AP.B \_\_\_\_\_  
Appeal Brief

C.AD \_\_\_\_\_  
Change of Address

N/AP \_\_\_\_\_  
Notice of Appeal

PA.. \_\_\_\_\_  
Change in Power of Attorney

REM \_\_\_\_\_  
Applicant Remarks in Amendment

XT/ \_\_\_\_\_  
Extension of Time filed separate

## File Wrapper

FWCLM \_\_\_\_\_  
File Wrapper Claim

IIFW \_\_\_\_\_  
File Wrapper Issue Information

SRFW \_\_\_\_\_  
File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET